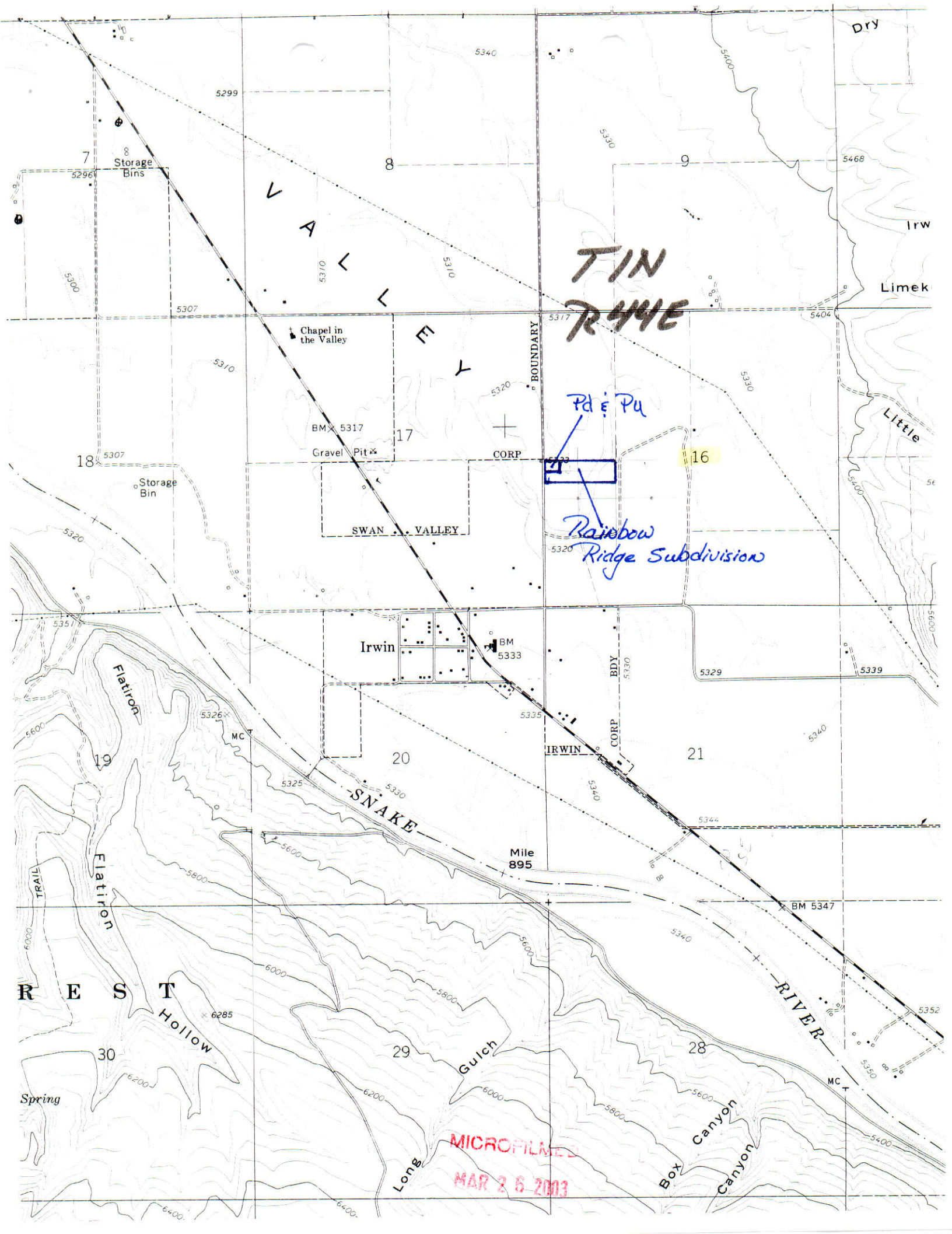




TIN RYE

Pd & Pu

Rainbow Ridge Subdivision

MICROFILMED
MAR 26 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 23-11226

Priority: October 21, 2002

Maximum Diversion Rate: 0.14 CFS

This is to certify, that PETER TAFT
355 S GRAND ST 35TH FLOOR
LOS ANGELES CA 90071

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.14 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW¼SW¼, Sec. 16, Twp 01N, Rge 44E, B.M., BONNEVILLE County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE	NW	SW	SE					
01N 44E 16	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	X				

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2007**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
5. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
6. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a duplex has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which duplexes have not been constructed.
7. Domestic use is for 2 Duplexes.
8. Point of diversion and place of use are located within Lot 1, Rainbow Ridge Subdivision.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 13 day of December, 2002

MICROFILMED

MAR 25 2003

Karl J Dreher
for
KARL J DREHER, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

To appropriate the public waters of the State of Idaho

NOV 29 2002

1. Name of Applicant Peter Taft Phone 213 683 9119
 Department of Water Resources
 Mailing address 355 South Grand Ave., 35th floor, L.A. California 90071
2. Source of water supply Ground Water which is a tributary of _____
3. Location of point of diversion is Township 1N Range 44E Sec. 16, in the _____ 1/4,
1N 1/4, 5W 1/4, Govt. Lot _____, B.M., Bonneville County;
 additional points of diversion if any: _____
4. Water will be used for the following purposes:
- Amount 0.14 for Domestic purposes from 1 Jan to 31 Dec (both dates inclusive)
 (cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.14 and/or (b) _____
 cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source Groundwater, well & pump to
two duplex units
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
 reservoir capacity _____ acre-feet
- c. Proposed well diameter is 8" inches; proposed depth of well is 100 feet
- d. Is ground water with a temperature of greater than 85°F being sought? NO
- e. If well is already drilled, when? _____; Drilling firm _____;
 Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW.
- b. Stockwatering; list number and kind of livestock.
- c. Municipal; show name of municipality.
- d. Domestic; show number of households.
- e. Other; describe fully. Two duplex units (4 households)

MICROFILMED

MAR 26 2003

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	44E	16										D							

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? applicant

b. Who owns the land to be irrigated or place of use? applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: Contact: Carl Jack Lee

PO Box 115

Irwin, Id 83428

(208) 483-2340

lot 1 Rainbow Ridge Subdivision

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MICROFILMED

MAR 26 2003

Carl Jack Lee Representative
Signature of Applicant (and title, if applicable)

Received by Dennis Dunn Date 21 October 2002 Time 9:11

Preliminary check by [Signature]

Fee \$ 100.00

Received by Dennis Dunn

FO28246

Date 21 October 2002

Publication prepared by SC

Date 11/7 & 11/14/02

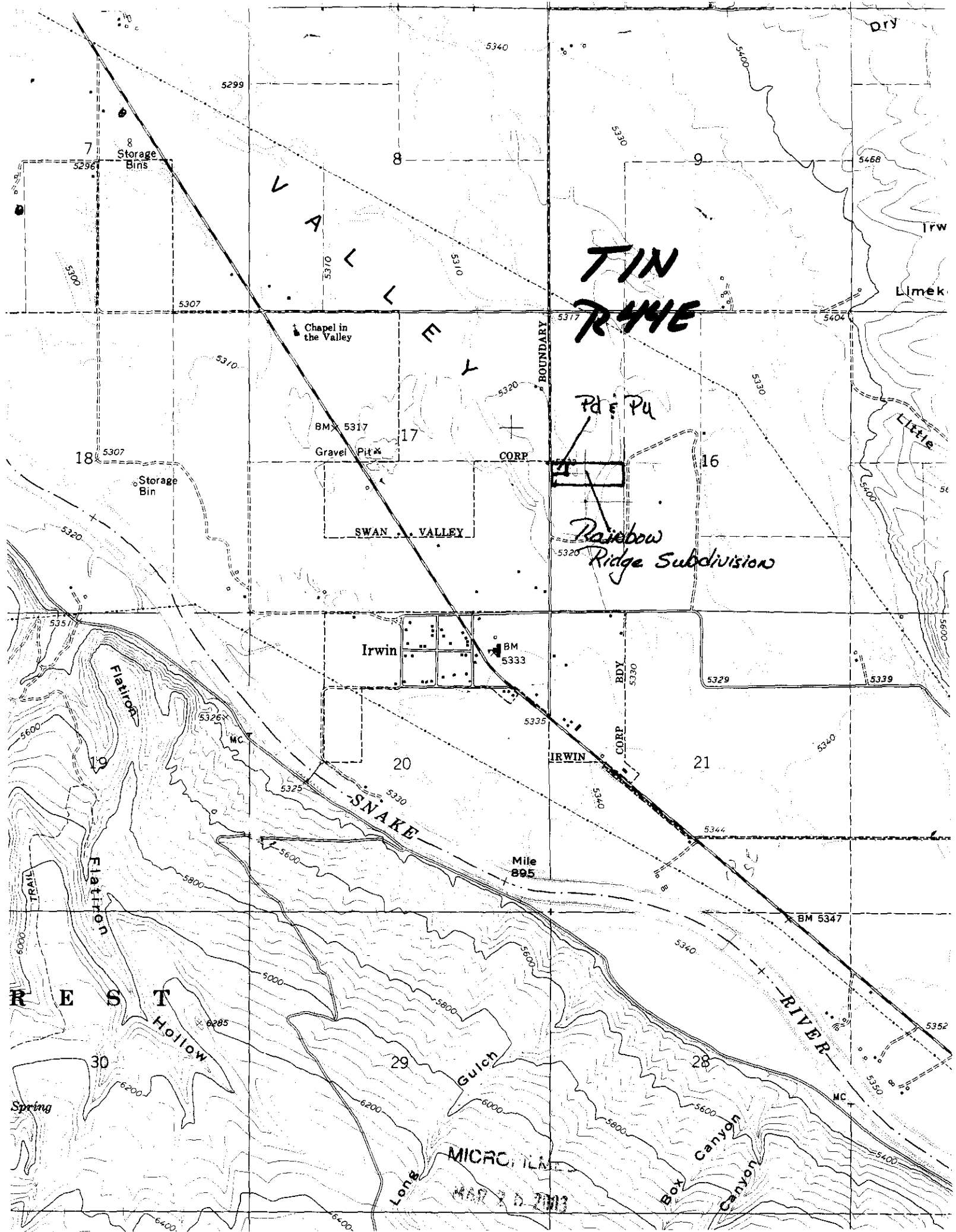
Published in Post Register

Publication approved _____

SC

Date _____

11/18/02





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 13, 2002

PETER TAFT
355 S GRAND ST 35TH FLOOR
LOS ANGELES CA 90071

RE: Permit No. 23-11226

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, water right records show that there are other water rights for irrigation purposes appurtenant to land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, T1N, R44E. The Palisade Irrigation Co. and Palisades Water Users, Inc., have filed claims showing the same legal description, as being within the place of use for their surface water rights. The Department

RECORDED

MAR 26 2003

Peter Taft
December 13, 2002
Page 2

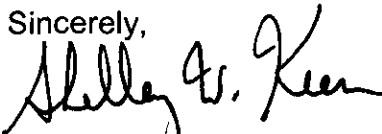
practice for many years has been to require the continued use of surface water when and where it is available. You are not being required to use surface water for lawn irrigation in connection with the proposed duplexes based upon the information you submitted in your application. If you find out that the surface water is available to you for irrigation, the Department strongly urges you to take advantage of this resource instead of using ground water.

Records also show that water right license 23-7021, which was issued to Deloy J. Beasley in 1983, authorizes the diversion of ground water for the irrigation of 39 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, T1N, R44E. Right 23-7021 was claimed by Lathen W. Jacobson in the Snake River Basin Adjudication. Because a water right is appurtenant to the land on which it is used, water rights are customarily included when the land is sold to a new owner. Sometimes, however, the sale agreement reserves the water right for the seller or provides for an alternative disposition of the water right. The possibility that a portion of water right 23-7021 is appurtenant to your land could be important to you because the right carries a priority date of April 29, 1977. Water rights in Idaho are regulated by priority -- in a time of shortage, older rights get water and newer uses are curtailed. Because the Department has not actively regulated ground water diversions in the past, many people have not been concerned with the priority of their ground water rights. However, the Department is implementing conjunctive management of surface and ground water across the Eastern Snake River Plain. As a result, ground water rights will be regulated to insure the availability of water under senior surface water rights. For this reason, it may be worthwhile for you to find out if you are entitled to a portion of water right 23-7021 and to apply to change the right to cover your water use.

Finally, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,



Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

MICROFILMED

MAY 26 2003

CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

23-11226

**PETER TAFT
355 S GRAND ST 35TH FLOOR
LOS ANGELES CA 90071**

A handwritten signature in cursive script, reading "Deborah J. Gibson", is written over a horizontal line.

**Deborah J. Gibson
Secretary**

MICROFILMED

MAR 26 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of, or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: December 13, 2002
To: Water Right File 23-11226
From: dgibson
Re: Permit Review

This water right is for two duplexes.

The application does not say how much irrigation there will be. There are appurtenant surface water rights from The Palisade Irrigation Co., Inc. and Palisades Water Users, Inc. Additionally, there is an Adjudication Claim in the name of Lathen W. Jacobson for 39 acres in this same location. Secondly, there is a Water Right in the name of Deloy J. Beasley for the same 39 acres in the same location. Both of these rights are identified as 23-7021.

Point of diversion and place of use are identified as Lot 1, Rainbow Ridge Subdivision.

This application is identical to an application filed by Jack Lee, permit no. 23-11223.

MICROFILMED

MAR 26 2003

Dist for Staffing _____
Submitted for advertising _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT ANALYSIS PERMIT

Taft
INITIAL REVIEW BY HWT DATE 10-21-02 APPLICATION NO. 23-11226

REQUIRED INFORMATION:

- ☐ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivision, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature (If applicant is corp., partnership, or municipality, title of signatory is required)
☒ Fee
☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION:

- ☐ Overlapping place of use (Describe source & relationship to present application on the back)
☐ Overlapping point of diversion
☐ Yes ☒ No Critical groundwater area
☐ Yes ☒ No Groundwater management area
☐ Yes ☒ No Send dam safety information
☐ Yes ☒ No Send fish farm requirement letter
☐ Yes ☒ No Power residency affidavit
☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet)
☐ Yes ☒ No Public Water System
☐ Yes ☒ No Planning section review
☐ Yes ☒ No Moratorium Hold file

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____

PROCESSING:

- ☒ Yes ☐ No In form for advertising
☒ Yes ☐ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO:

- | | |
|---|--|
| ☐ Id Dept of Environmental Quality | ☐ U.S. BLM |
| ☐ Id Dept of Fish & Game | ☐ U.S. Forest Service |
| ☐ Id Dept of Lands | ☐ Water District |
| ☐ Adjudication Bureau Unit | ☐ Other _____ |

☒	Yes	☐	No	Affidavit of publication received
☒	Yes	☐	No	Application published correctly. If not, record action taken _____
☐	Yes	☐	No	Publication dates & paper, recorded on application
☐	Yes	☒	No	Protests received
				Final date for protest _____
☒	Yes	☐	No	Protests, dates, resolution of protest, recorded on application
☐	Yes	☐	No	Recommendations attached
☐	Yes	☐	No	Measuring device required
☐	Yes	☐	No	Access port required
☐	Yes	☐	No	Will water be delivered by watermaster? If yes, what District _____
☐	Yes	☐	No	Special conditions of approval or cover letter below.

Date of priority recommend 10-21-2002
By: [Signature] Date: 11-26-02
STATE OFFICE REVIEW: _____

By: _____ Date: _____
 ADDITIONAL INFORMATION: _____

Comments received from:

_____ City	_____ Id Fish & Game	_____ Irrigation District
_____ County	_____ Id Health & Welfare	_____ Canal Company
_____ Reservations	_____ Div. Of Environment	_____ Other _____

Project impacts/implications report

[illegible]

Proof of Publication The Post Register

RECEIVED
NOV 18 2002
Department of Water Resources
Eastern Region

State of Idaho
County of Bonneville

I, ~~Lyman Winter~~ or Danae Jacobsen, first being duly sworn, depose and say: That I am the ~~Production Supervisor~~ or Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for 2 consecutive (days) weeks, first publication having been made on the 7TH day of NOVEMBER 2002, last publication having been made on the 14TH day of NOVEMBER 2002 at the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

[Signature]

Subscribed and sworn to before me, this 14TH day of NOVEMBER 2002

PUBLIC NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

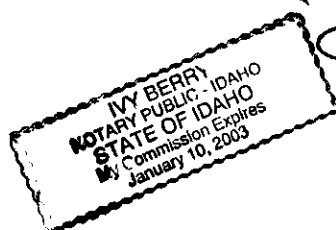
23-11226

PETER TAFT
355 S GRAND ST 35TH FLOOR
LOS ANGELES CA 90071
Point(s) of Diversion: NWSW S16
T01N R44E, BONNEVILLE County
Source GROUND WATER
Use: DOMESTIC
01/01 To 12/31 0.14 CFS
Total Diversion: 0.14 CFS
Date Filed: 10/21/2002
Place Of Use: DOMESTIC
T01N R44E S16 NWSW

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before November 25, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
Published: November 7, 14, 2002



[Signature]
Notary Public

My commission expires January 10, 2003

MICROFILMED
MAR 25 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
October 30, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

PETER TAFT
355 S GRAND ST 35TH FLOOR
LOS ANGELES CA 90071

RE: Application for Permit No 23-11226

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Post Register on November 7 and 14, 2002. Submittal of protests to this application will be allowed for a period ending ten days (November 26, 2002) after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

Please feel free to contact this office if you have any questions.

Sincerely,

Harold W Jones
Water Right Supervisor

Enclosure(s)

HWJ:sc

MICROFILMED
MAR 26 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 30, 2002

Legal Notice Department
POST-REGISTER
PO BOX 1800
IDAHO FALLS ID 83402

RE: Application for Permit No. 23-11225 and 23-11226

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before November 25, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant



MICROFILMED

MAR 26 2003

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

23-11226

PETER TAFT
355 S GRAND ST 35TH FLOOR
LOS ANGELES CA 90071

Point(s) of Diversion: NWSW S16 T01N R44E, BONNEVILLE County

Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.14 CFS

Total Diversion: 0.14 CFS

Date Filed: 10/21/2002

Place Of Use: DOMESTIC

T01N R44E S16 NWSW

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before November 25, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on November 7 and 14, 2002

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MAR 25 2003